



REMARKS

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The last Office Action of April 17, 2002 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claim 1 is pending in the application and has been amended. No fee is due.

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 5,493,499 (hereinafter "Theurer et al.").

The rejection of claim 1 as being unpatentable over Theurer (U.S. Patent 5,493,499) is hereby traversed and reconsideration of the rejection is respectfully requested in view of the amendments to the claim presented herewith.

See Pg 10 (6-12)

The amended claim 1 now recites that the method for surveying a track establishes the position of the laser emitter only at the beginning of each measurement cycle with the help of a GPS receiver mounted on the second, stationary measuring vehicle. The remaining process steps then use only a laser reference line and are completely independent of additional GPS measurements. Theurer ('499), on the other hand, discloses a track surveying system that relies entirely on GPS position data, without establishing a position reference from an optical reference line.

Applicant therefore submits that amended claim 1 now recites features that are neither disclosed, nor taught or suggested by Theurer ('499), and respectfully requests that the rejection of amended claim 1 under 35 U.S.C. §103 (a) be withdrawn.


Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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